

Employment

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We are fortunate to be living at a time when forward-thinking businesses are demonstrating increased interest in diversity, which includes people with disabilities. Besides being “the right thing to do,” employers find that recruiting or retaining employees with disabilities is a solid business strategy for increasing an organization’s applicant and promotion pool, decreasing turnover, and enhancing a company’s appeal among employees and the public. Additionally, computer hardware and software, as well as assistive devices and technology, are enabling increased productivity among workers with all types of limitations.

While some with young onset Parkinson’s disease will find that they need to reduce their workload or cease working altogether, many are able to make adaptations to their work environment or work schedule, making it possible for them to remain employed longer.

Workplace Considerations

After a diagnosis of Parkinson’s disease, it becomes important to evaluate the physically and emotionally challenging aspects of your symptoms and how they may relate to your job performance. If you begin experiencing difficulty at work due to your symptoms, first and foremost, discuss your issues with your doctor. Adjustment of your medications or other modifications to your treatment regimen may be helpful.

You may also find it helpful to approach your job from a different perspective. Finding alternative ways of doing things like creating new schedules, adjusting your workload, or making changes in the organizational design of your work space can decrease stress and make continued employment possible and more comfortable.

Disclosing Diagnosis or Disability to Your Current Employer

Deciding if, when, and how to disclose information about your diagnosis or disability is an extremely personal choice and will depend on many factors. One of the most central considerations is likely to be the degree to which your job performance is or may become affected over time.

Only you can judge the likelihood of a positive outcome from sharing your circumstances at work.

You may want to consider voluntarily disclosing disability-related information if:

- you feel that doing so will further your chances of being retained.
- your symptoms are affecting your performance and you are ready to ask for some type of accommodation.
- your symptoms have been apparent to your co-workers. They may be relieved to know the source of your physical changes or changes in your job performance.
- trying to keep your diagnosis a secret is increasing your stress and compromising your performance.

If you choose to disclose, you do not need to be specific about your health issues or disabilities. You should, however, communicate how your performance is affected so that you and your employer are able to work together to identify a suitable adjustment or modification (called an “accommodation”) that will allow you to continue completing your work duties successfully. Because you live day-to-day with your symptoms, you are likely to be able to propose a simpler change or adjustment based on your abilities than your employer could imagine. So, think creatively about the kind of accommodations that would enable you to continue to perform your current responsibilities. If you feel some type of accommodation will help maintain or improve your work performance you can consider approaching your employer before your work performance suffers. Employers are not required to forgive previous poor performance if the need for an accommodation due to disability is not known to them.

When talking with your employer about your Parkinson's and necessary workplace changes, relate your suggestions to your company's overall goals and strategies. Illustrate, verbally, how the changes you suggest can benefit not only you, personally, but the corporate “team” as a whole as you work together to meet company objectives. Finally, remember that no employer wants to lose a skilled employee.

Disclosing to a Potential Employer

While employment and civil rights laws prohibit an employer from asking an individual to disclose a disability when he or she applies for a job, you may decide that disclosing is in your best interest now or at some point in the future. Generally speaking, an employer is free to hire an applicant of its choosing as long as applicants are not eliminated from consideration based on disability, gender, race, age, or religious preference—categories referred to as protected classes. If two people apply for a job requiring speed and accuracy, an employer has the right to hire the candidate with the higher speed and accuracy because he or she is more qualified.

The successful applicant views the job interview as a major opportunity to make the case that he or she is most qualified for the job by communicating abilities and accomplishments, as well as giving good examples of relevant work experience, education, personal achievements, and personal strengths. Voluntary disclosure during an interview can:

- build trust and rapport with the employer, especially when a disability is visible.
- fill in gaps in a work history.
- explain a career change.
- provide a rationale for an accommodation.
- help an employer gain an understanding of who you are as a person and how you approach work and life challenges.

Weighing Your Options

If you reach a point where your disabilities pose a safety hazard on the job or your job becomes too demanding, frustrating, or unrewarding, it may be time to consider retiring or looking for other options. Before leaving your company, it's a good idea to check on other job openings within the organization that may fit your interests, experience, and ability level. Also investigate your medical and retirement benefits before finalizing your decision. If you are being threatened with termination because of your condition, call an attorney for professional legal advice, preferably one who specializes in employment or disability law. If you feel you can't afford an attorney, there may be low-cost or free legal services offered by legal organizations in your area. Local universities or community

centers may be able to assist you in finding these resources. Many young people who have decided to leave their jobs have used their talents to start their own businesses. The Internet has allowed people with disabilities to continue to “do business” without many of the pressures of a structured workplace. Particularly for people with PD who are having difficulty falling asleep or staying asleep, an online business can allow you to do business at any hour of the day or night.

Accommodation, Disability and the Law

To help you better understand the provisions made by the government for those with disabilities, here are some of the current laws and most frequently asked questions as they pertain to employment and accommodations.

What is a disability?

The Americans with Disabilities Act (ADA) is a law that makes it illegal to discriminate against people with disabilities in the areas of employment, public accommodations, public services, and telecommunications. Under the ADA an individual who has a disability is protected by the law if he or she has an "impairment" that "substantially limits" one or more "major life activities." A key ADA principle is that individuals with disabilities who want to work and are qualified have equal opportunity to work.

What are the employment provisions of the ADA?

The ADA prohibits discrimination against all qualified people with disabilities in all areas of employment including job applications, hiring, training, dismissal, and compensation. Employers with 15 or more employees are covered under the ADA.

How do I know if I am a “qualified” person with a disability?

You are a qualified employee or job applicant if you meet the employer’s objective requirements for the job (usually found in a job description) and, with or without reasonable accommodation, can perform the essential functions of the job.

What is a “reasonable accommodation?”

A reasonable accommodation is any change or adjustment to a job, the work environment, or the way things are usually done that allows the person with a disability to apply for a job, perform job functions, or enjoy equal access to workplace benefits available to applicants and employees without disabilities.

Examples of reasonable accommodations are:

- changing a work schedule.
- making existing facilities accessible to and usable by people with disabilities.
- providing additional unpaid leave.
- acquiring assistive technology equipment or devices.

Does my employer have to grant my request for reasonable accommodation?

When an accommodation would cause an employer significant difficulty or expense, it is considered an “undue hardship,” and employers are not required to make accommodations for such requests. Factors such as business size, financial resources, and the nature of the business operation are taken into account when determining undue hardship. Employer tax credits and State-Federal Vocational Rehabilitation funds may be available to help pay for facility accessibility and assistive technology.

What should I do if I think my ADA rights have been violated?

If you think you've been discriminated against, here are some helpful resources:

- The U.S. Equal Employment Opportunity Commission (EEOC) Web site (www.eeoc.gov) offers technical assistance on the employment aspects of the ADA including information on how to file complaints. The EEOC also staffs an information line at (800) 669-4000.
- The U. S. Department of Justice (www.ada.gov) has information about the ADA and options available if you feel you have been discriminated against. They also operate an ADA Information Line at (800) 514-0301 for answering your questions.

What is the Family and Medical Leave Act (FMLA?)

The U.S. Department of Labor states that the Family and Medical Leave Act mandates that businesses with 50 or more employees must give eligible employees up to a total of 12 work weeks of unpaid leave during any 12-month period for any of the following reasons:

- birth and care of a newborn child.
- placement of an adoptive or foster child.
- care of an immediate family member with a serious health condition.
- medical leave when an employee is unable to work due to a serious health condition.

The Department of Labor has a Web site (www.dol.gov/elaws/esa/fmla/faq.asp) that gives helpful answers to many frequently asked questions.

If you become unable to work, there are many state and federal programs that address the needs of individuals with disabilities in the areas of employment, income support, and healthcare coverage. Be sure to maintain a detailed file with copies of all your medical records. This will be helpful when you are required to provide evidence of disability when applying for any of the disability benefit programs (see *Financial Planning* section for details of these programs).